

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

STATE OF ILLINOIS)
ILLINOIS DEPARTMENT OF TRANSPORTATION,)
Petitioner,)

v.)

Grand Trunk Western Incorporated)
Respondent.)

Petition for an Order granting permission to)
construct a new highway overpass structure carrying)
proposed Ramp E over GTW's tracks south of the)
Village) of South Holland, Thornton Township, Cook)
County, Illinois.)

Docket No. T03-0065

RECEIVED
NOV 30 2004

Illinois Commerce Commission
RAIL SAFETY SECTION

PETITION FOR SUPPLEMENTAL ORDER

NOW COMES Petitioner State of Illinois, Department of Transportation ("Department"), by and through its attorney Lisa Madigan, Illinois Attorney General, and for its Petition For Supplemental Order states as follows:

1. In the Commission's Order of November 5, 2003, on page two (2), the Commission designated the date of Completion for the construction of the highway overpass structure at eighteen (18) months of the date its Order, making the deadline May 5, 2005.
2. The Department has determined that its contractor is currently behind schedule for the project in question.
3. The contractor claims its has experienced a delay in the production of plate steel required to fabricate the girders.
4. Neither the Department nor the Federal Highway Administration have acknowledged this claim as valid, and in fact the Department and the Federal Highway Administration are holding liquidated damages as a result of the contractor's failure to complete the project on time.
5. Regardless of the legitimacy of the contractor's claim, the fact remains that the project is behind and the Department, through no fault of its own, will not be able to comply with the established deadline.
6. The Department submits that it has diligently worked to keep this project on task and has taken appropriate steps to penalize the contractor for its anticipated failure to complete the project on time.
7. Despite the delay described above, the Department anticipates having 98% of the project completed by the scheduled deadline (May 5, 2005). The remaining 2%, however, which requires receipt of the steel plates, will not be completed before August 15, 2005.
8. The Department further submits that it has promptly brought this matter to the Commission's attention; and accordingly, the Department should be granted an extension of time to complete the project.

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WHEREFORE, the Department respectfully requests that the Illinois Commerce Commission enter a Supplemental Order extending the time for all of the work required of the Department under the November 5, 2003 Order for an additional four (4) months. The Department further prays that this Petition For Supplemental Order be entered without a hearing.

Respectfully Submitted,
Illinois Department of Transportation

By: Lisa Madigan
Illinois Attorney General

By: Stacey C. Hollo
Stacey C. Hollo
Special Assistant Attorney General *hcb*

Dated November 29, 2004

Illinois Department of Transportation
2300 S. Dirksen Parkway, Rm. 300
Springfield, IL 62764
Telephone (217) 782-0692

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

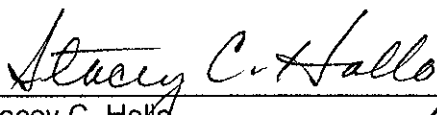
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NOTICE OF FILING

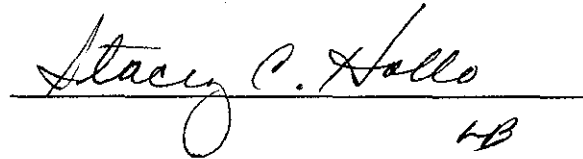
TO: Administrative Law Judge Tate
Brian Vercruysse, ICC
Michael Barron, Counsel
Ruth Devries, Village Clerk

PLEASE TAKE NOTICE that I have this 29th day of November, 2004
forwarded to Mr. Lazarides, Director of Processing, Transportation Division, of
the Illinois Commerce Commission, Springfield, Illinois, for filing in the above
matter, Department's Petition For Supplemental Order, a copy of which is
attached hereto and hereby served upon you.


Stacey C. Hollo ^{LB}
Special Assistant Attorney General
2300 South Dirksen Parkway, Rm 300
Springfield, Illinois 62764
(217) 782-0692
Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addressee listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 29th day of November 2004:


HB

Administrative Law Judge Tate
State of Illinois Bldg.
160 N. LaSalle
Suite C-800
Chicago, Illinois 60601-3104

Illinois Commerce Commission
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